



**Town of Lexington**  
**Planning Department**

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Lexington, MA 02420

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**FORM W**  
**APPLICATION FOR WAIVERS**

Applicant: Brian P. Kelley

Description of Land: Assessors Map 53, Parcels 1A, 1B, 1C, 1D, 2&3A

Type of Development: \_\_\_\_\_

Item #	Section of Development Regulations	From (the required standard):  To (the proposed alternative):
1	Section 71 (E) (2) (h)	delineation of the vegetated wetlands To: The applicant proposes to delay the delineation of the vegetated wetlands until such weather allows a proper delineation.
2	Section 45 (E) (1)	Design standards for collector street To: The use of the current private way approved by the 1985 Town Meeting and built to the then current standards.
3	Section 71 (B) (3)	Required traffic study To: Acceptance of the traffic assessment prepared by TEPPLC and filed with this ASDUP.

This form is to be submitted with the application for development.

In addition, §175-30C of the Development Regulations requires:

1. a plan showing how the site would be developed if the plan complied with that provision of these Regulations and no waiver is granted; and
2. a narrative statement that explains how granting the waiver would be in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. (Please use a separate sheet of paper.)

2-18-2010

**Chapter 175-30 C (3) Narrative in Support of Waiver of the Chapter 175-71 (E) (2) (h) Requirement**

By granting this waiver, the best possible delineation of the wetlands can be done without the snow and ice liable to impact the property during the next several months. During the rezoning of the RD-5 district, which is a part of this rezoning, the wetlands were delineated and the applicant believes there will be little, if any, change. During the Notice of Intent process, the wetland delineation process will be done in cooperation with the Conservation Commission.

It is in the best interest of the Town to have the wetlands properly delineated and waiving this requirement for the present time is not inconsistent with the intent and purpose of the Subdivision Control Law.

**Narrative in support of Waiver of the Chapter 175-45 (E) (1)**

The current development (Countryside Manor) located on Parcel 3 of the proposed new RD-5 Zone was built in accordance with building permits issued as the result of the 1985 rezoning. It is the intention of the applicant that Countryside Manor approved by the Town Meeting in May, 1985, and built in accordance with building permits issued in conformance with the Special Permit dated May 8, 1986 will remain in its as built state and the applicant will not change any of the buildings, structures, roadways or other components of Countryside Manor.

Countryside Manor has functioned as a successful residential rental community for over twenty (20) years. It is in the best interest of the Town, and it is the applicants intention, to have the currently existing development at Countryside Manor remain in its current configuration with regard to building, structures, roads and other agreements with the Town..

**Narrative in support of Waiver of the Chapter 175-71 (B) (3)**

The applicant has provided a Traffic Assessment by TEPP LLC dated January 12, 2010. The assessment points out that the proposed redevelopment will have low trip generation with no significant impact on traffic safety and operations. The findings take into account the two (2) proposed developments in Woburn off of Woburn Street near Countryside Manor and The Manor House.

The applicant believes that the money that would be spent on the traffic study will be better spent constructing the proposed sidewalk from Countryside Manor and the Manor House to Peachtree Road.